United Nations A/HRC/31/NGO/218

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Israeli Committee Against House Demolitions (ICAHD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-03016(E)

Please recycle

Statement by the Israeli Committee Against House Demolitions (ICAHD)

The Israeli Committee Against House Demolitions (ICAHD) is a human rights and peace organization established in 1997 to end Israel's Occupation over the Palestinians. Its main focus is Israel's policy of demolishing Palestinian homes in the Occupied Palestinian Territory (OPT) and in Israel proper.

Nothing demonstrates the existence of one (apartheid) state more graphically than Israel's policy of house demolitions. Since 1948, Israel has demolished almost 100,000 Palestinian homes. At least 52,000 have occurred within the state of Israel itself - from 1948 and the years immediately following when the new state was established and more than 530 Palestinian villages were demolished but also including the thousands more demolitions that continue to happen to this day. Within the OPT – East Jerusalem, the West Bank and Gaza - there have been nearly 42,000 demolitions since 1967. These are not only individual homes but businesses, livestock facilities and other structures vital to Palestinian life. Even today entire communities are being been uprooted and destroyed thus the very fabric of Palestinian society is being eliminated. Historians have described this as a process of ethnic cleansing. Israel officially calls it "judaization" which is continuing today on *both sides* of the "Green Line", thus throughout all of historic Palestine.

According to the UN's Office for the Coordination of Humanitarian Affairs (OCHA), in 2015, a total of 521 Palestinian structures were demolished by the Israeli authorities in the OPT, with 636 Palestinians, forcibly evicted from their homes and subsequently displaced. Palestinians are also otherwise affected, for example, due to demolitions of animal shelters, water cisterns and other structures related to their livelihood or because of the destruction of infrastructure, including roads.

There are more than 11,000 outstanding demolitions orders in Area C of the West Ban affecting 13,000 structures and 8000 people in 61 communities in the West Bank are at high risk of forcible transfer due to Israel's expanding settlements. More than 20,000 demolition orders have been distributed to Palestinian residents of East Jerusalem.

Following Israel's bombardment of Gaza in 2014, more than 18,000 Palestinian homes were demolished and only a few have been rebuilt due to the continuing siege on Gaza which has not allowed building materials to enter therefore 95,000 people are still displaced in Gaza.

Areas of specific concern include the serious escalation of demolitions and displacement in the Jordan Valley and in the South Hebron Hills; almost daily demolitions in E Jerusalem;; the resumption of punitive demolitions; and Israel's attempt to demolish and displace entire communities within the state of Israel, namely Umm Al-Hiran and Atir in the Negev and Dahmash, near Lod. Even EU-funded structures provided under its humanitarian scheme are being demolished.

Under the Oslo Accords, powers and responsibilities related to zoning and planning in Area C should have been transferred to Palestinian control but that has not happened. In 2014, ICAHD along with Rabbis for Human Rights – Israel, the Jerusalem Legal Aid and Human Rights Centre, the Society of St. Yves (Catholic Human Rights Centre in Jerusalem) and the Palestinian village of Ad-Dirat- Al-Rfai'ya presented a petition to Israel's Supreme Court requesting that planning authority be returned to Palestinians living in Area C. The petition was finally dismissed outright in June 2015 therefore legitimizing a regime of separation and discrimination in planning. In Area C, some two-thirds of the Occupied West Bank, Palestinians face home demolitions and displacement, while illegal Israeli settlements flourish. A mere 1% of Area C is currently designated for the development of Palestinian villages, compared to 27% for settlements.

For Palestinians, the Jordan Valley represents an essential land reserve, agricultural hinterland and strategic economic infrastructure as well as providing the "potential state's" sole land entrance. However Israel has coveted the Jordan Valley and has justified its presence there as necessary for security. Israel now controls over 90 percent of the Jordan valley. Before 1967, 300,000 Palestinians lived in the Jordan Valley; today there are 56,000. House demolitions, forced evictions and property confiscations, exacerbated by settler violence and the economic effects of movement restrictions, have left Palestinian communities struggling to make a living. OCHA reported that between 9 -11 February 2016, **the**

Israeli authorities destroyed at least 80 homes and livelihood-related structures in seven Palestinian communities in Area C, all but one of the demolitions were in the Jordan Valley, displacing approximately 60 people, half of them children. This is just one illustration of Israel's escalation of demolitions during 2016.

In one of the biggest demolition operations in a decade in the West Bank, happened on 2nd February 2016 when, 110 people (70 children) were made homeless **in the South Hebron Hills**. Residents of the area had resisted Israeli efforts to expel them for years. In the meantime, Israel has allowed for the establishment of Jewish settlements in the area.

This year Israel's Civil Administration and members of the IDF have demolished Palestinian residential structures of the Bedouin herding communities in the much contested area of E1, adjacent to and northeast of Jerusalem where Israel intends to establish the new settlement of Mevasseret Adumin which would connect the settlement of Maale Adumin with Jerusalem. On 6th January, in Abu a-Nuwar, residential structures for five families were demolished displacing 28 people, including 18 minors while three residential structures were demolished in Badu al-Baba on 21st January, displacing fourteen people including six children. The plan had been frozen since 2009 because of international pressure however now the fear is that Israel will progress this displacement that will also result a crescent of Israeli settlements around East Jerusalem dividing it from the rest of the West Bank and its Palestinian population centres while also bisecting the West Bank creating yet more facts on the ground to prove that a viable Palestinian state is no longer possible.

Israel's policy of punitive demolitions has been re-instated following its near abandonment in 2005 when an Israeli military committee concluded that not only was the policy of punitive demolitions ineffective in deterring terrorism, but it actually incited additional attacks. Punitive demolitions began again in the summer of 2014, after the abduction and murder of three Israeli teenagers in the occupied West Bank. Since then, more than two dozen Palestinian homes have been demolished as a punitive measure,

Within the state of Israel, the government seeks to target non-Jewish Israeli citizens for demolitions and displacement. Two of the "unrecognized" Bedouin villages of Um al-Hiran and Atir in the Negev, home to 1,200 inhabitants, are slated for demolition with the people moved to the overcrowded township of Hura. Israel wants to build a Jewish community, to be called Hiran, on the rubble of the homes of their fellow citizens in the Bedouin village of Um al Hiran and to expand Yatir forest on the site of Atir.

Homes remain under threat in Dahmash, located between Lod and Ramle, where 700 Israeli Palestinian citizens reside, Dahmash remains "unrecognized" despite Israel displacing these families there in 1951 where like in other unrecognized communities there are no basic services, such as schools, paved roads, sewage and drainage system, kindergartens, and health facilities. In April 2015, five homes were demolished on grounds that they did not have a building permit. Three were rebuilt and in August they were demolished. Almost every one of the 70 houses in Dahmash is considered "illegal" by Israel and 13 houses are under immanent threat of demolition.

Recommendations

- ICAHD calls on the state of Israel to dismantle its system of institutionalized discrimination over the Palestinian people, to repeal all discriminatory laws, and to cease forthwith acts of persecution against Palestinians in the Occupied Palestinian Territory and in Israel;

- ICAHD calls on the Council to forcefully insist on the application of IHL in the OPT, to act vigorously to protect the Palestinian people and its fundamental human rights and to call for an end of forced eviction and displacement as the result of the demolition of Palestinian property which causes displacement and dispossession..

- ICAHD calls for all refugees and internally displaced persons who have been forcibly displaced to be allowed to repatriate, return to their homes in safety and dignity, and be given compensation for any harm they have suffered.

- ICAHD calls all states, intergovernmental organizations and civil society to cooperate to bring to an end the illegal situation arising from Israel's practices of apartheid and persecution. All states and IGOs must consider appropriate measures to exert sufficient pressure on Israel, including the imposition of sanctions.

- ICAHD calls on the United Nations' Human Rights Council to adopt the above mentioned recommendations.

- ICAHD calls on the Council to reiterate its position and that of other UN and international agencies that the demolition of Palestinian homes, the expropriation of Palestinian land and the forced displacement that results are not only illegal under internationai law but are an obstacle to the enjoyment of human rights by the whole Palestinian population.

- ICAHD calls for an end to the Occupation of the Palestinian Territory

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Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-03017(E)

Please recycle

Secularism and the Realisation of Human Rights

It is well established that democratic institutions and the rule of law are two necessary features of the political arena that help ensure the realisation of human rights. Indeed, the Human Rights Council has adopted a number of resolutions highlighting the interdependent and mutually reinforcing relationship between democracy, rule of law and human rights.[1] We suggest that in addition to these factors, a further component – perhaps more easily misconstrued but no less essential –is secularism. Along with democracy and the rule of law, we hold secularism to be necessary, but of course by no means sufficient, for guaranteeing inclusivity and ensuring the principles underscoring human rights, such as freedom, equality, dignity and universalism.

Political secularism: A pre-requisite for equality and human dignity

We use the term 'secularism' (or secular state) here to describe the separation of the state from the institutions of religion or belief - or at least the neutrality and impartiality of the state and its institutions in their attitude and actions regarding alternative religions and beliefs. Secularism should be distinguished from imposed irreligion, and from a 'secular society', a term that suggests a society with a high population of non-religious citizens, or in which the importance of religiosity is low. Secularism does not indicate a state under which the communal institutions are inimical to religious belief; that would be contrary to secularism as here intended.

Underpinning secularism is the equality of all under the law and state, regardless of belief – an equality that constitutes a basic foundational premise for the very conceptualisation of human rights.

Not only does this form of secularism rest upon the principle of equality, but human dignity too. It identifies individuals as equal citizens and not merely members of a religious or non-religious group; this gives dignity to the individual as a human rights bearer, not to be stereotyped as a member of a particular group or fetishized under an inherently divisive identity politics. In a recent report, the High Commissioner emphasised the role of inclusivity and respect for others as central, along with the enhancement of participation in the decision-making process, and human rights education, to the realisation of human rights.[2] Likewise, in a secular public space, people are free to think and believe as they wish, being primarily identified as an equal citizen, instead of via homogenous belief groupings. This is a context, we argue, that is conducive to cohesion, inclusivity and mutual understanding.

Political secularism: A pre-requisite for freedom of thought, religion or belief and expression

Secularism, as described, is necessary for, and a natural emanation of, individual freedom. Its origins are rooted in the principle of free thought, the precursor and progenitor of other freedoms and rights, including freedom of religion and freedom of expression.

Freedom of religion or belief, as set out in Articles 18 of the UDHR and ICCPR requires equal and just treatment of all people *irrespective of their beliefs*. A secular state is the only possible guarantor of this; that is, a set of laws, government and institutions that do not assume or impose any religion or belief on any individual citizen, and guarantee the right to freedom of religion or belief to all, including the practice by any individual or group of their religion or belief so long as it does not infringe upon the rights of others.

Crucially, a secular state gives no privilege to any religion or belief matters on which citizens will naturally vary and disagree and which lie outside the competence of the state.

Indeed, any official preference for one religious belief (or non-religious belief) system can never be understood to enhance the freedom even of the dominant religious group; instead, while it inherently curtails the religious or non-

[1] E.g. A/HRC/RES/19/36
[2] A_HRC_30_20_ENG

religious beliefs of minorities, it also prevents members even of the dominant religious group from seriously questioning, reforming, changing or dissenting from assumed beliefs.

When states start to define citizens not by their humanity but by their membership of a religious group, discrimination automatically follows. For example, in Lebanon the entire system of government is based on sectarian quotas, with different rights and roles available to Sunni Muslims, Shiite Muslim and Maronite Christians, etc. This practice not only codifies and encourages religious discrimination, precluding and discouraging even smaller minorities including the non-religious, but it also discourages people from leaving the religion of their birth, because they will lose all the state privileges that come with belonging to that religion.

There are other practices and measures including a range of laws regulating various aspects of peoples' lives used in a number of states, which undermine freedom of religion or belief and other rights, such as freedom from inference in one's privacy, expression, or education. A secular system would not permit such violations. For instance, compulsory religious registration in conjunction with a list of religions permitted by government, such as in Indonesia and Jordan; certain legal rights (for example, the right to marry particular persons) being contingent upon subscribing to an officially recognised religion, such as the case in Iran or Israel; or as in Burma, Djibouti, and Maldives, forms of political participation depending upon citizens officially registering themselves as having certain religious affiliations.

As noted at the top, rule of law is a prerequisite for, and interdependent with, human rights and necessary for any state context in which human rights can flourish;[3] more specifically however, we would argue that that rule of law needs to be secular. That is, everyone is equal before the law, regardless of religion, belief or non-belief. Contrary to that, currently in many countries, the judicial process is replaced by religious codes or processes and family law is based on exclusively religious rules, and jurisdiction in family law cases is administered by religious authorities rather than the civil authorities. Plainly this inhibits the realisation of many rights. Often this disproportionately affects the rights of women.

The protection of the right to freedom of thought, religion or belief involves manifestations of such beliefs through expression. This means that secularism, in line within international law, promotes a space for free expression, grounded in the understanding that no ideas or practices should be held immune from criticism since human progress requires a free marketplace in ideas.

In line with this, a secular system does not require bans on religious clothing.[4] Whilst, the 'laïcité' of France was used as reasoning behind the banning of full-face coverings in the country and in the ECHR's ruling in France's favour,[5] it seems by no means clear that secularism, as outlined here, should result in that sort of prohibition. Indeed, on the contrary, such a move undermines the French citizen's right to freedom of expression of their religious convictions since it goes beyond the qualifications allowed for in Article 19 of the UDHR and ICCPR.

The importance of universalist language for universal human rights

Whilst political and legal secularism creates space for dialogue and the recognition of diversity, it asks that arguments are presented in universal terms so as to ensure mutual understanding. It is upon these universal foundations our rights and the vocabulary common to all humankind are grounded. Obviously, those individuals with religious beliefs will draw much motivation from such beliefs, but when they make arguments expected to be taken into account by politicians and decision-makers, for instance, if the language and reasoning used is religion-specific then it is not publicly commensurable and cannot be used as a basis for proposing or changing public policy. Instead our language and arguments need to be universal, such that (while not everyone will agree) at least everyone can understand. Similarly, no atheist should expect any attention to arguments around public policy premised on the nonexistence of God, nor more broadly any person offering any incommensurable metaphysical position.

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[3] A/HRC/RES/19/36

[4] The right to free expression and the right to manifest one's religious belief are not absolute and can be restricted in limited cases, as noted in Article 19. For instance, limited in proportionally in response to legitimate security concerns.

[5] Case of *S.A.S vs. France*, ECHR, 1 July 2014.

Crucially, discriminatory or harmful practices defended based on arguments uniquely relying on religious, traditional or cultural practices are incommensurable and incompatible with secularism and the human rights framework.

Conclusion and recommendations

Political and legal secularism is a pre-requisite for the full enjoyment of human rights, democracy and the rule of law. A legal and political arena that is secular provides an essential backdrop for the prevention of human rights violations. It helps provide the conditions for the flourishment of human rights since it insists upon a framework where people are seen as human rights agents and not defined primarily by their beliefs or arbitrary characteristics (such as gender or race).

Despite this, little attention has been paid at the international level, and none committed by the Human Rights Council and the OHCHR, to the issue of secularism, its importance, its integral link to human rights, how it should be understood or indeed how the principles of secularism might be applied in practice.

Accordingly, we ask the OHCHR and Council to explore the role of secularism in the protection of human rights. We also specifically call on members and observers of the Council to:

- Call on any states who are not politically or legally secular, to become so; only then will the realisation of human rights, specifically freedom of religion or belief, be realisable for their citizens.
- Use universalist language when engaging with arguments on human rights, and, specifically, not to frame any criticism or abrogation of such rights in exclusivist or religious-specific language.
- To examine the unique privilege of the Roman Catholic Church in having membership, in the shape of the Holy See, at the United Nations.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-03019(E)

Please recycle

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

United Nations interest in Jammu and Kashmir is contained in the UN mechanism agreed to resolve the question of political right of self-determination through a free vote under the supervision of the United Nations. The second Secretary General of the United Nations Dag Hammarskjöld visited Srinagar (Kashmir) for two days on 20 March1959 in a UN plane supplied (with crew) by the Italian air force. He was accompanied by Lieut. General Robert H. Nimo, Chief of the UN Military Observer Group in India and Pakistan (UNMOGIP). UN Security Council continues to remain seized of the "India-Pakistan Question", previously designated as "The Kashmir Question" in para 13 of UN Security Council document S/641 of 9 January 1948.

United Nations had flagged all human rights, civil, political, economic, social and cultural rights, including the right to development in Jammu and Kashmir as a top priority. Para 12 of UN Resolution of 21 April 1948, while outsourcing duties on the question of Kashmir stipulates that, "The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit".

The UN Resolution had duly considered the State Subject Law of 20 April 1920 and visa requirement for an Indian citizen to enter Jammu and Kashmir until 31 March 1959. The State Subject Law gives a legal personality to the people of the State. Unfortunately, the part compliance of UN mechanism and part-non-compliance by the Government of India and by one of the three Governments of Jammu and Kashmir at Srinagar/Jammu have impeded the enjoyment of "all human rights, civil, political, economic, social and cultural rights, including the right to development".

Although under the Constitution of Jammu and Kashmir adopted in November 1956 , which itself remains under a caution of UN Security Council Resolution of 31 March 195, the State has a duty to 'foster equality and secularism', 'wherein justice – social, economic and political, shall inform all the institutions of national life', the 'Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development ' in Jammu and Kashmir has emerged as a serious cause of concern.

Government of India charged with an obligation in para 13 in respect of human rights, to assist the Government of Jammu and Kashmir, has itself slapped curbs on the dissent by minorities and seems to have turned into a racist nation. The administration of justice is influenced by mob pressures and political compulsions. The latest dissent has come from a Dalit (low caste Hindu) Justice C.S. Karnan of the Madras high court. On Monday 15 February 2016 he had to march out of his chamber situated on the second floor of the court building and reach the gate in quick time to tell the media at the gates that India "is a racist nation" and he was "ashamed to be born here". He also declared he would "cancel my birth right" and migrate to "a country where there is no racism".

There are genuine questions about the life of minorities in India and more serious questions about the administration of justice, when it came to Kashmiri Muslims, like Maqbool Bhat, Afzal Guru and Indian Muslim *Yaqub* Memon. The rightful activity to examine the manner of capital punishment awarded in Delhi to a Kashmiri Muslim Afzal Guru organized at JNU has been declared as sedition. India needs to rush fast to a collective soul searching and examine the dark side of its intemperance.

The sedition charges levelled against Kanhaiya Kumar President JNU Students Union (prominent student leader in India), Professor Syed Rahman Gilani a Kashmir Muslim in Delhi, hunt for Umar Khalid a Ph.D. Student (Indian Muslim) at JNU and hunt for many others have shocked all conscientious Indians and other people around the world. People like Kanhaiya Kumar a Hindu and with a huge following at JNU and countrywide strong political support has been falsely framed for shouting Azadi from Casteism, Brahmanism, Feudalism and Manova. The implication is that Kumar was demanding freedom for the state of Kashmir from the nation of India. The sequence of events after Afzal

Guru event at Jawaharlal Nehru University (JNU), in particular unleashing a Taliban type mob justice at Patiala House court complex is more than an alarm.

Residences of scores of Kashmiri students studying in New Delhi were raided by Delhi Police at night and they were being harassed. The parents of these students have expressed grave concern over the raids and harassment of their wards by Delhi Police. The raids have been carried out in Malviya Nagar in South Delhi, Lajpat Nagar, Fareed Abad and other localities.

Life and habitat in Jammu and Kashmir has been passed into the control of Indian security forces and the police. In July 2016 the people of the State will complete 26 years living under Armed Forces Special Powers Act (AFSPA) invoked on 5 July 1990. It is a controversial law and public debate has continued for its revocation. There is a confrontation between the State political leadership and the Indian Army, which remains in violation of the restraints placed on them in the agreement allowing their admission in the State and a violation of the restraints placed on their number, behaviour and location in para 2 {c} - (i) to (iii) of UN Security Council Resolution of 21 April 1948.

In the past 26 years excesses have been committed with impunity under AFSPA. A complete generation of Kashmiri Muslim youth has been killed. International Human Rights body Amnesty International (AI) in its latest Kashmir report has strongly demanded the revocation of AFSPA keeping in view the rights violations being committed under its cover. It is a disturbing situation that Indian authorities are not only targeting the Kashmiri Muslim youth in various institutions or businesses in India but the Kashmiri Muslim youth remains a target population in the Valley. A generation has been killed in the last twenty five years, there is an army of disabled youth, they are unemployed, indexed for security clearance and the majority is nervous and stressed. Conscientious Indians like former Chief Justice of Delhi High Court *Rajindar Sachar* and the "Father of the Civil Liberties movement" in India Justice Vithal Mahadeo *Tarkunde* of Bombay High Court have advocated in their reports the cause of Human Rights situation in Kashmir.

Police have constituted special cells for monitoring social mediate site. Currently over 100 online groups are under scanner. Youths, mostly minors (juveniles) have been arrested on charges of stone throwing by the police. Police has made a regular feature of their daily discipline to continue a massive search-and-arrest operation in various parts of the Kashmir, Valley. Police has also announced an increase in the reward money to assist in identifying and killing of youth designated under five categories, namely, A++, A+, A, B and C. The reward money ranges from Indian Rupees 2 lakh to Rupees 12.5 lakh. Three Kashmiri youths were lured by counter-insurgents in April 2010 with the promise of Army jobs and handed over to the Army personnel, who shot them at point-blank range in order to earn cash rewards meant for those who eliminate militants. The counter-insurgents were paid off to deliver the youths to the Army personnel for the 'encounter'. From beginning to end the 'encounter' was part of a cynical and ruthless project to claim the monetary rewards set aside to eliminate militants.

The recent encounters with alleged militants in Pulwama and their death and the three-day-long gunfight in EDI building at Sempora, Pampore killing 3 alleged militants in the second encounter carries a strong ring of suspicion that the State has a "well-planned conspiracy to annihilate and wipe out the entire generation of Kashmiri youth." It is for the first time that the three slain alleged militants were not handed over to locals for burial according to Muslim rituals but were buried in the darkness of the night in Gantmohalla Colony, a few meters away from police station Sheeri, near the border. Unless the security forces had to hide the genuineness of the three day gun fight and identities of the three killed, there should have been no need to carry out the burial at midnight and away from peoples reach.

UN Human Rights Council and Human Rights Commission have been listening to the voices of the people of Jammu and Kashmir in regard to Human Rights situation on the Indian side of Kashmir. It is time that the Human Rights Council takes positive steps to monitor the "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development in the disputed Jammu and Kashmir.

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

Statement by Jammu and Kashmir Council for Human Rights (JKCHR)

UN Security Council in its Resolution 307 (1971) of 21 December 1971 in para 1 prescribed "that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan". In para 7 of the Resolution Security Council "Decides to remain seized of the matter and to keep it under active consideration". Government of Pakistan a party to the Kashmir dispute on 07 January 2016 notified the President of the Security Council that "it (Pakistan) would like to see the following items retained on the list of matters of which the Security Council is seized: (a) The India-Pakistan question; (b) The Hyderabad question; (c) The situation in the India/Pakistan subcontinent." Security Council has circulated the notification as document S/2016/21 dated 08 January 2016.

On Monday 22 February 2016 India and Pakistan reviewed the bilateral relations between the two countries during a meeting between Foreign Secretary, S Jaishankar and Pakistani High Commissioner, Abdul Basit. During his meeting with Indian Foreign Secretary Jaishankar, the Pakistan High Commissioner, Abdul Basit raised the issues of human rights violations in Jammu Kashmir, continuous detention and house arrests of Hurriyat leaders, and restrictions imposed on their travel abroad.

Pakistan High Commissioner underscored the need to resolve Kashmir issue in accordance with the United Nations resolutions on Kashmir and as per the wishes and aspirations of the people of Jammu Kashmir. They also discussed about initiation of a comprehensive dialogue, which among other issues, would include Kashmir issue.

It is important to point out that Government of India has expressed a desire at the two hundred and twenty-seventh meeting (227th meeting) of UN Security Council on 15 January 1948 and stated, "..we would like to exhaust every possible resource for avoiding war, particularly war with the people of a neighbouring State with whom centuries of common living, culture and tradition incline us, in spite of ephemeral recent happenings, to continue to develop the ties that bind us together." In 2016 the nuclear status of the two countries and the unease of the people in the pending disputes, makes it compulsory that war is avoided at all costs.

As a start India has to accept that the State of Jammu and Kashmir is currently distributed on either side of cease fire line. India and Pakistan have accepted commitments to carry out the duties outsourced to them by the UN and as required under pledges made to the people since August 1947, when the Government of Kashmir addressed a Stand Still Agreement to India and Pakistan. Government of India has made a serious error of judgment by violating the terms of admission and in not honouring the UN restraints placed on its soldier in Kashmir. Its soldier has earned the notoriety of engaging himself in a war with the people of Jammu and Kashmir (Valley in particular) and he has been slated at the UN and various other forums as a violator of human rights. These forces face serious charges of gang rape that took place in Konan-Poshpora. Delhi has to face the accrued criminal and civil liability in Kashmir.

Situation in Jammu and Kashmir and respect for human rights would have been different if the people here were allowed to establish a government as provided by the United Nations. United Nations Security Council at its 285th meeting on 19 April 1948 identified the composition and character of the Jammu and Kashmir Government. Security Council required that "The Government of the State shall forthwith be reconstituted so as to give equal representation to each major political group in the State, viz, the National Conference, the Muslim Conference and the Azad Kashmir – which will each be invited to designate an equal number of responsible representatives to constitute a Council of Ministers. This Council of Ministers may choose one of its members to act as President, but in the allocation of the portfolios it will be guided by the advice of the Commission".

Nothing of the sort has taken place during the last 68 years (1948-2016) since this requirement was put down by the Security Council. Government of India has failed to assist the people under its administration to set up a UN identified Government, allow a sovereignty of powers to the State Government and respect the sovereignty of the vote of the common people. The question of the sovereignty of the people, today has to take on board a further distribution of people under three administrations on either side of cease fire line and a vocal Kashmiri diaspora spread all over the world.

A low intensity regular war is going on between the Indian security forces and the people of Jammu and Kashmir. The Kashmir situation begs attention of the Human Rights Council and UN. Indian soldier has no reason to violate its discipline and violate all bilateral and international restraints. These Indian forces have been allowed into the disputed State in October 1947 on a provisional basis as a supplement to the State forces to defend the territory, protect life, property and honour of the people. United Nations Security Council in its Resolution of 21 April 1948 has placed three restraints on these security forces, namely, (1) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State (restraint on behaviour), (2) That as small a number as possible should be retained in forward areas (restraint on number) and (3) That any reserve of troops which may be included in the total strength should be located within their present base area ((restraint on location).

The Government of Jammu and Kashmir (elected from only a part of the territory) is currently run by New Delhi. PDP (Peoples Democratic Party) is responsible for allowing Delhi to rule the State directly through its representative, the Governor. PDP has acted as a conduit and for helping the BJP to find a foothold in the Government of Indian administered part of Jammu and Kashmir for the first time in the history of Kashmir. It is a violation of UN stipulation in respect of local Government.

PDP helped Delhi to engineer a communal and regional polarisation between Srinagar and Jammu during elections. UN Human Rights Council has to take urgent notice of the Jammu and Kashmir police's decision to enhance the reward money for killing alleged 'militants' that is Muslim youth in Kashmir. The reward money is paid by the police for killing militants fighting Indian rule in the state.

It is worrying that the Jammu and State on the Indian side of cease-fire-line has been turned into a police State. After killing a generation from 1990-2016, police have categorised Kashmiri Muslim youth as A++, A+, A, B and C categories militants, which is a ruse to choke any dissent. The decision to raise the reward money for killing A++ category militant from Indian Rupees 10 lakh to Rupees 12.5 lakh; for A+ category from Rupees 5 lakh to Rupees 7.50 lakh, for category A militants, from Rupees 3 lakh to Rupees 5 lakh, for category B militants from Rupees 2 lakh to Rupees 3 lakh and for the C-category, the increase of reward money from Rupees 1 lakh to Rupees 2 lakh is a licence to kill and the inducement would encourage police, security forces and other rogue elements to frame and kill innocent citizens.

Indian soldier and her agencies in Jammu and Kashmir are under restraints stipulated at the time of admission in October 1947 and there are other international restraints on their number, behaviour and location under UN Resolution of 21 April 1948. Any death in Kashmir by an Indian soldier, agencies and the police, attracts international attention as a war crime.

The behaviour, number and location of Indian soldier in Jammu and Kashmir does not remain in compliance of the bilateral and international restraints in a disputed territory subject of a free vote under UN supervision. It has gradually graduated and continues to do so as force with military engagement with the common people of Kashmir in the Valley and in particular the Muslim youth of Kashmir. The decision of CRPF (Central Reserve Police Force) operating in Kashmir, to shift its heavy armoured mine protected vehicles (MPVs) to Kashmir valley for use by its troops deployed here is alarming. It is as if security forces have decided to decimate any support for self-determination. The active dissent by the local people is tagged as 'insurgency' by the security forces. A full-fledged war machinery is being moved to fight the people of Kashmir (Jammu and Kashmir) who have a pending right of self-determination at the UN. It is a situations that requires the Council's attention